



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: October 5, 2023
Comment Deadline: November 4, 2023
Corps Action ID Number: SAW-2009-01114

The Wilmington District, Corps of Engineers (Corps) received an application on August 8, 2023 from Raleigh Executive Jetport C/o Robert Heuts seeking to modify the existing Department of the Army Standard Permit issued April 18, 2019, and modified March 29, 2021, to discharge an additional 0.15 acre of fill material into wetlands, associated with expansion of the existing Sanford Lee County Airport-Raleigh Executive Jetport in Sanford, Lee County, North Carolina. The applicant has also requested a time extension for this modification request for the permit to expire December 31, 2026.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

Applicant: Robert Heuts
Raleigh Executive Jetport
700 Rod Sullivan Road
Sanford, NC 27330

AGENT (if applicable): Edward Smail
Michael Baker International
3820 Faber Place Drive Suite 100
North Charleston, SC 29405

Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

Location

Location Description: The proposed project is located at the Raleigh Executive Jetport in Lee County northeast of Sanford, North Carolina (refer to Figure 1).

Project Area (acres): 35

Nearest Town: Sanford

Nearest Waterway: Unnamed tributary to Wombles Creek

River Basin: Cape Fear River Basin

Latitude and Longitude: 35.58323 N, -79.10403 W

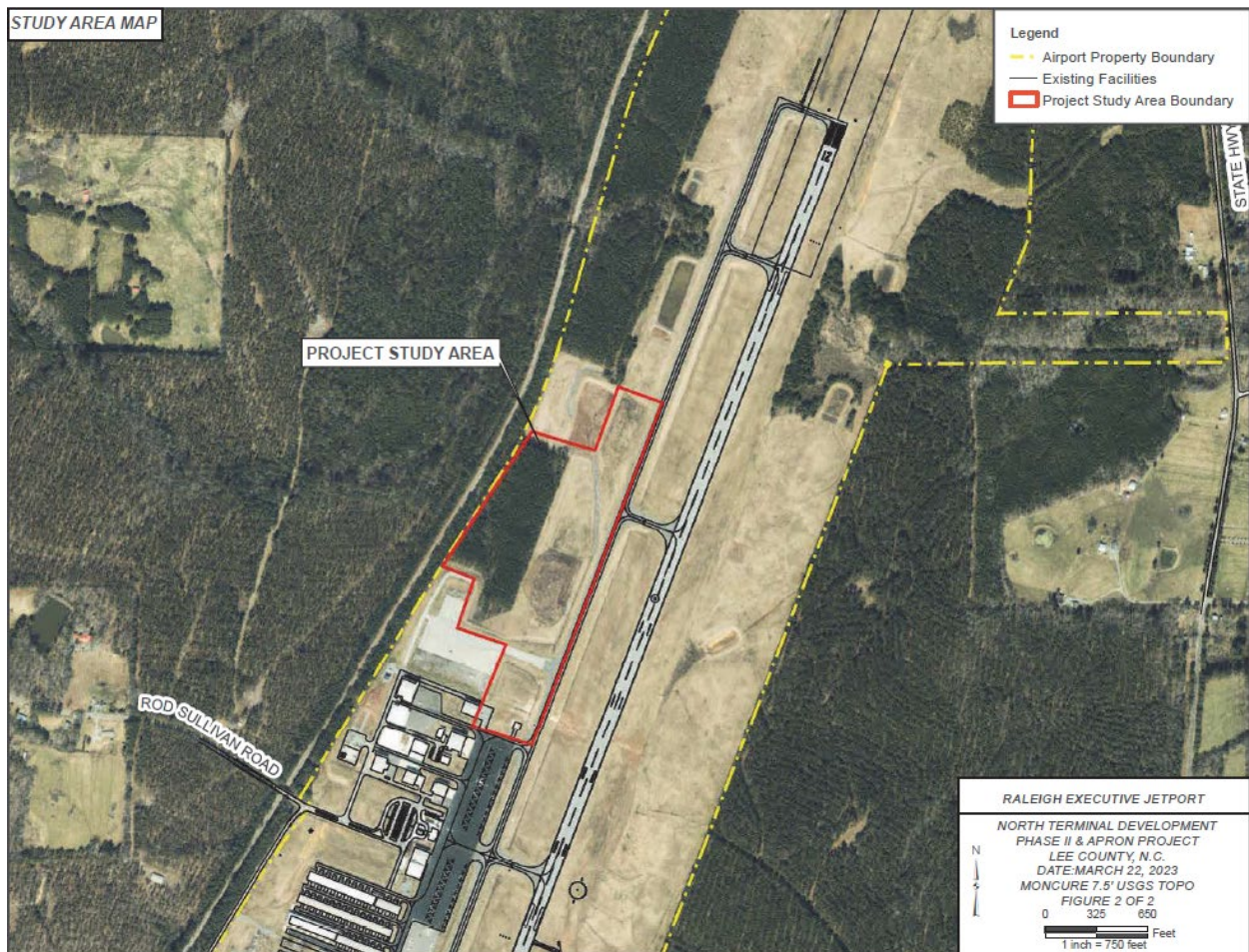


Figure 1: Raleigh Executive Airport impact project area

Existing Site Conditions

The Sanford Lee County-Raleigh Executive Jetport is an approximately 660-acre property off Rod Sullivan Road, northeast of Sanford, North Carolina. The proposed

project area occurs within the Raleigh Executive Jetport property boundary north of the existing terminal area. The southern and eastern portions of the airport property is mostly developed with aprons, taxiways, parking, hangers, buildings, other airfield structures, and maintained in-field grassed lawns. The western portion of the site includes mostly evergreen and deciduous forests. The northern portion of the airport property is cleared and undeveloped within maintained grassed areas.

The site is located entirely within the Upper Cape Fear Watershed (03030004) and within the Triassic Basin, which has unusual Piedmont geology of unmetamorphosed shales, sandstones, mudstones, siltstones, and conglomerates. Local relief and elevations are often less than in surrounding regions, and, with rocks that are easier to erode, stream valleys that cross the region tend to widen. Soils tend to be clayey with low permeability, and streams have low base flows. The clay has a high shrink-swell potential that can hinder construction. Elevations onsite range from approximately 192 above mean sea level (MSL) to 252 feet above MSL.

Soils located on the site are classified as listed below:

Map Unit Symbol	Map Unit Name	Percent of Site
Ch	Chew acla silt loam, 0 to 2 percent slopes, frequently flooded	6.5%
CrB	Creedmoor fine sandy loam, 2 to 8 percent slopes	28.8%
CrD	Creedmoor fine sandy loam, 8 to 15 percent slopes	6.3%
MfB	Mayodan fine sandy loam, 2 to 8 percent slopes	1.0%
PfB	Pinkston silt loam, 2 to 8 percent slopes	14.9%
PfD	Pinkston silt loam, 8 to 15 percent slopes	7.3%
WsB	White Store silt loam, 2 to 8 percent slopes	11.3%
WsD	White Store silt loam, 8 to 15 percent slopes	24.0%
Totals for Site		100.0%

There are wetlands within the project area that are connected to an unnamed tributary that runs to Wombles Creek which flows into the Cape Fear River.

Applicant's Stated Purpose

The purpose of the project is to expand the existing Raleigh Executive Jetport and associated infrastructure to satisfy the growing demand for corporate hangar space in the region. This project involves an approximately 35-acre portion of the airport site located along the western property line north of the existing terminal.

Project Description

The proposed project is a modification request to the April 18, 2019, Standard Permit which authorized 0.48 acre of wetland and 138 linear feet of stream and March 29, 2021, permit modification which included additional wetland impacts for a total of 0.677 acre of wetland and 138 linear feet of stream impacts. This 2023 Modification requests to expand the existing Raleigh Executive Jetport facility and impact an additional 0.15 acre of wetlands. The proposed project consists of the development of an area to the north of the existing hangar area, including the construction of aircraft parking aprons, vehicle access aprons, vehicle parking areas, taxiway connectors, and site preparation for additional corporate hangars.

The 2021 modification request included a retaining wall which later was determined to not be practicable due to geotechnical concerns and a change in development layout that required the fill slope be pushed back farther towards the property line. The improvements are needed to satisfy a growing demand for corporate hangar space as the Airport. With the exodus of large corporate clients from RDU, the need for facilities to meet the demand is imminent. These corporate tenants will also result in employment and economic growth for the Airport and the surrounding community. In its existing condition, the Airport does not have sufficient corporate hangar space to meet market demand. The proposed project would strengthen the economic role of the Airport by supporting the existing users as well as attracting future users in need of corporate hangar space.

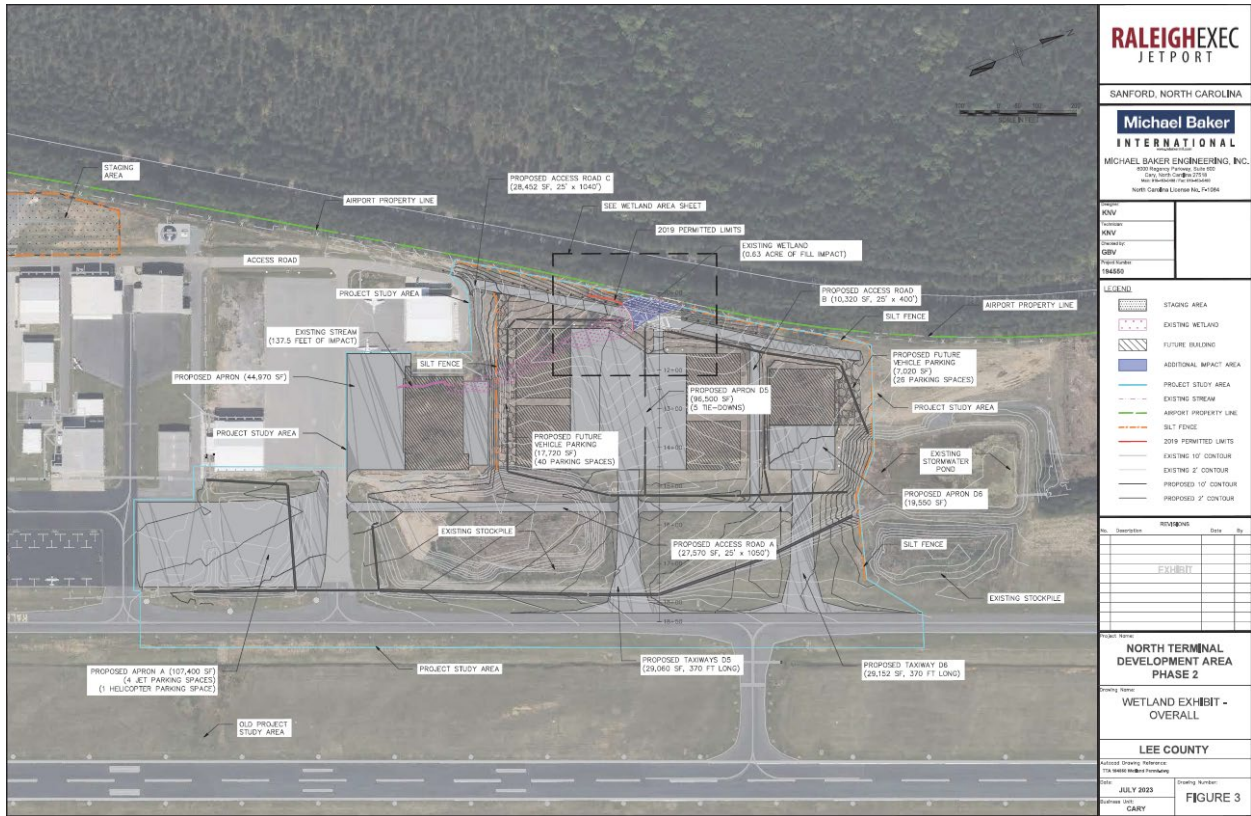


Figure 2: Proposed North Terminal Development Plans

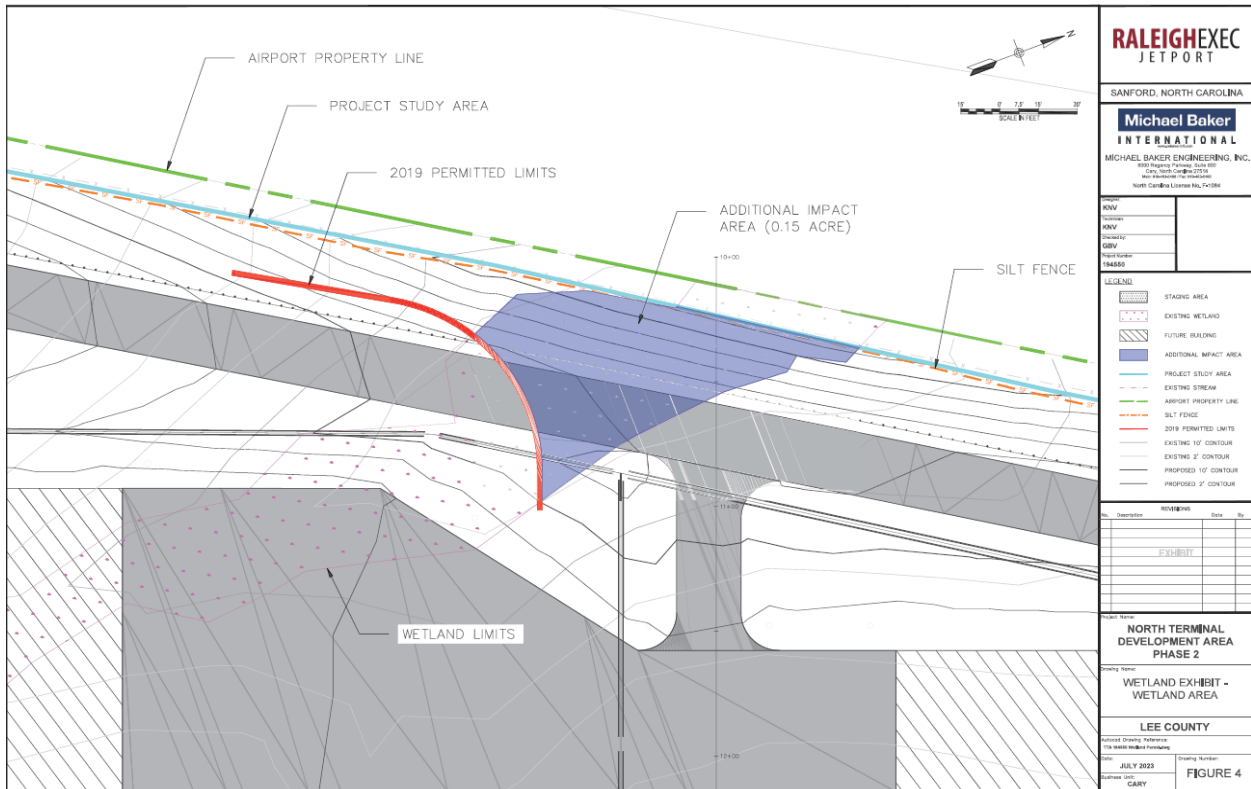


Figure 3: Wetland Impact Map

Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: Due to the linear nature of the proposed project and the location of the wetland/streams, total avoidance was not feasible. Impacts are confined to the minimum extent required to construct the project as proposed. The slope was steepened as much as feasible (approximate 3:1 slope) and was tied to existing ground inside of wetland limits and airport property line.

To minimize temporary impacts to water quality, the contractor would be required to comply with erosion and sediment control measures as specified in FAA AC 150/5370-10 entitled *Standards for Specifying Construction of Airports*, and specifically Item P-156 *Temporary Air and Water Pollution, Soil Erosion, and Siltation Control*. All temporary stormwater management techniques would be designed to ensure they are not in conflict with AC 5200-33B, *Hazardous Wildlife Attractants on or Near Airports*.

A variety of measures would be employed to control sediment runoff and prevent erosion during construction of this project. Drop inlets and culvert inlet protection would be used to prevent sediment from entering the pipe system and a sequence of riprap check dams would be used to control sediment in the grassed drainage ditches on the site. Additional sediment would be contained using a temporary sediment trap and the stormwater wet detention basin for sediment control during construction. Silt fence would be used to contain sediment runoff from slopes and to protect adjacent wetlands during construction. A combination of Type 1 and Type 3 erosion control matting would be used on side slopes and in ditches to prevent erosion and enable growth of permanent vegetation.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Mitigation for the additional wetland impacts resulting from the modification would occur in the form of payment to the North Carolina Division of Mitigation Services In-Lieu Fee Program.

Essential Fish Habitat (EFH)

The Corps' determination is that the proposed project would not effect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

- No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected.

The North Carolina Department of Natural and Cultural Resources (NCDNCR) provided a letter, dated May 5, 2023 (ER-23-0835), stating that, "We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed."

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- The Corps determines that the proposed project would not affect federally listed endangered or threatened species or their formally designated critical habitat.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR):

- The applicant did not provide or satisfy all the elements required for a complete 401 certification request. Therefore, the 401 Certification process has not started. The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500).
- The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 120 days of the date of this public notice. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury

Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments should do so in writing, within 30 days of the issue date of the notice by emailing comments to publiccomments@deq.nc.gov with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office
Attention: Stephanie Goss, 401 and Buffer Permitting Branch
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(Physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDWM):

- Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and

evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, November 4, 2023. Comments should be submitted to Rachel Capito, Raleigh Regulatory Field Office, 3331 Heritage Trade Drive, Suite 105, Wake Forest, North Carolina 27587, or via email at Rachel.A.Capito@usace.army.mil. The Corps Project Manager can be contacted at (919) 440-1823. Comments may also be submitted to RaleighNCREG@usace.army.mil.